

## **FACTSHEET**

**TITLE:** **CHANGE OF ZONE NO. 3284**, a text amendment to Chapter 27.58 of the Lincoln Municipal Code, requested by the City Attorney, amending sections 27.58.010, 27.58.020, 27.58.030, 27.58.050, 27.58.060, 27.58.080 and 27.58.100 of the zoning ordinance to delete all references to the "Airport Environs Noise District 2", to allow certain properties between Ldn 65 and Ldn 70 to be used for residential purposes.

**STAFF RECOMMENDATION:** Approval.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 10/04/00  
Administrative Action: 10/04/00

**RECOMMENDATION:** Approval (8-0: Carlson, Hunter, Steward, Schwinn, Duvall, Taylor, Bayer and Newman voting 'yes'; Krieser absent).

### **FINDINGS OF FACT:**

1. The Planning staff recommendation to approve this text amendment is based upon the following analysis:
  1. This application deletes all references to Airport Environs Noise District 2 and allows certain properties between Ldn 65 and Ldn 70 sound level boundaries to be used for residential purposes (see attached map from the ANCLUC study).
  - B. The City Attorney's Office has indicated that the rectangular boundary for Airport Environs Noise District 2 appears to have been created primarily for convenience.
  - C. The City Attorney's Office has indicated that the Ldn (sound level) line restrictions provide adequate protection to prevent inappropriate uses from being located within the Airport Environs Noise District, and more modern mapping techniques such as GIS allows for these lines to be accurately measured.
  - D. A September 19, 2000 letter from John Wood, Executive Director of the Airport Authority (see attached, p.017) indicates that the Airport Authority Board does not object to the deletion of District 2.
2. The testimony of Rick Peo, Chief Assistant City Attorney, is found on p.4.
3. There was no testimony in opposition.
4. The Planning Commission agreed with the staff recommendation.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** October 9, 2000

**REVIEWED BY:** \_\_\_\_\_

**DATE:** October 9, 2000

**REFERENCE NUMBER:** FS\CC\FSCZ3284

W44

**DATE:** September 20, 2000

Amend Chapter 27.58 of the Zoning Ordinance relating to the Airport Environs Noise District to delete all references to Airport Environs Noise District 2.

Dana Roper, City Attorney  
575 South 10<sup>th</sup> St., Rm. 4201  
Lincoln, NE 68508

Rick Peo  
Assistant City Attorney  
575 South 10<sup>th</sup> St., Rm. 4201  
Lincoln, NE 68508  
(402) 441-7264

Amend Sections 27.58.010, 27.58.020, 27.58.030, 27.58.050, 27.58.060, 27.58.080, and 27.58.100 of the Lincoln Zoning Ordinance relating to the Airport Environs Noise District to delete all references to Airport Environs Noise District 2.

To allow certain properties between Ldn 65 and Ldn 70 to be used for residential purposes by eliminating the Airport Environs Noise District 2.

**July 2000.** The City Council approved Change of Zone #3251, which amended Section 27.58 “Airport Environs District” to change the title and references to *Airport Environs Noise District*, and amend the reference from Comprehensive Plan Figure 21 to read *Airport Environs Noise District Map*.

1. This application deletes all references to Airport Environs Noise District 2 and allows certain properties between Ldn 65 and Ldn 70 sound level boundaries to be used for residential purposes (see attached map from the ANCLUC study).

2. The City Attorney's Office has indicated that the rectangular boundary for Airport Environs Noise District 2 appears to have been created primarily for convenience.
3. The City Attorney's Office has indicated that the Ldn (sound level) line restrictions provide adequate protection to prevent inappropriate uses from being located within the Airport Environs Noise District, and more modern mapping techniques such as GIS allows for these lines to be accurately measured.
4. A September 19, 2000 letter from John Wood, Executive Director of the Airport Authority (see attached) indicates that the Airport Authority Board does not object to the deletion of District 2.

**STAFF RECOMMENDATION:**

Approval

Amend Sections 27.58.010, 27.58.020, 27.58.030, 27.58.050, 27.58.060, 27.58.080, and 27.58.100 of the Lincoln Zoning Ordinance relating to the Airport Environs Noise District to delete all references to Airport Environs Noise District 2, as shown on the attached pages.

Prepared by:

Nicole Fleck-Tooze  
Planner

## CHANGE OF ZONE NO. 3284

### **PUBLIC HEARING BEFORE PLANNING COMMISSION:**

October 4, 2000

Members present: Carlson, Hunter, Steward, Schwinn, Duvall, Taylor, Bayer and Newman; Krieser absent.

Planning staff recommendation: Approval.

#### Proponents

1. **Rick Peo** of the City Law Department explained that this text amendment is really intended to be a housekeeping measure. We have reviewed the original study and it appears that the District 2 regulations were adopted primarily for convenience as to the boundaries and the effect of the rectangular boundary shown on page 59. In that portion of land it would be permissible for residential use in District #1 but prohibited in District #2 under the same Ldn lines. This is just to bring equality to the two districts. The Airport Authority supports this amendment as they are adequately protected by regulations on sound levels.

There was no testimony in opposition.

Public hearing closed.

### **ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

October 4, 2000

Schwinn moved approval, seconded by Hunter and carried 8-0: Carlson, Hunter, Steward, Schwinn, Duvall, Taylor, Bayer and Newman voting 'yes'; Krieser absent.